

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6690**

**BILL NUMBER:** SB 367

**DATE PREPARED:** Feb 22, 2002

**BILL AMENDED:** Feb 21, 2002

**SUBJECT:** Sex Offender Registry.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It provides that an offender must register with the county sheriff (instead of all local law enforcement agencies). It requires sheriffs to jointly maintain a sex offender registry web site containing the photograph, address, and other information relating to an offender. It provides that the jail commissary fund may be used to fund the sex offender registry web site.

(B) It requires the criminal justice institute to send a copy of the sex and violent offender directory to certain parties on computer disk, to send a paper copy of the directory upon request, and to provide a computer link to sex offender web sites maintained by county sheriffs.

(C) It provides that a person must register in Indiana if the person spends seven or more days in Indiana in a 180-day period or owns real property in Indiana and returns to the property at any time.

(D) It provides that a person who damages or defaces a copy of the directory commits criminal mischief: (1) as a Class A misdemeanor if the person is not required to register; and (2) as a Class D felony if the person is required to register.

(E) It prohibits an offender on probation or parole from residing within one mile of the victim's home.

(F) It provides that the victim's address is confidential.

(G) It repeals provisions concerning the current sex and violent offender registry.

**Effective Date:** (Amended) January 1, 2003.

**Explanation of State Expenditures:** (Revised) *Provision A:* The Criminal Justice Institute anticipates assisting county sheriffs by providing grant funding from federal sources to implement this project and to improve the collection of criminal history records

*Provision B* would reduce distribution costs to the Criminal Justice Institute (CJI). Under current law, the Institute must distribute paper copies of the registry to all public and nonpublic schools, state agencies that license individuals who work with children, the State Personnel Department to screen individuals who may be hired to work with children, all child care facilities licensed by or regulated in the state of Indiana, and

other entities that provide services to children or which request the registry. Under this bill, CJI would be required to distribute a computer disc to these parties.

*Provision C* would increase the number of offenders who would register in the offender registry.

*Provision D:* A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*Provision E: Residency Near Victim-* The Department of Corrections may experience an increase in cost for monitoring sex offenders on parole regarding the requirement that they not reside within one mile of the victim of the offense. Over the last five years, between 47 and 281 sex offenders have been released each year. The number of offenders released over the past five years is provided in the table below (see *Explanation of Local Expenditures*).

*Background:* The Criminal Justice Institute reports that, currently, there are approximately 12,000 entries on the Registry. However, photographs are not be required for all of the current registrants.

From 1997 to 2001, an annual average of 442 adult offenders convicted of a sex offense were released from Department of Correction facilities. As of November 2001, approximately 530 sex offenders have an estimated release date on or before December 31, 2002.

**Explanation of State Revenues:** (Revised) *Provision D:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000, while the maximum fine for a Class A misdemeanor is \$5,000. Fines for either felonies or misdemeanors are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee for either a felony or misdemeanor that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) *Provision A: Local Registration -* County sheriffs would incur some expenses in jointly developing a statewide web site for sex offenders. The specific effects of this portion of the bill would vary between local law enforcement agencies and would be determined by the level of additional technology needed for making photographs available on an Internet site. It is anticipated that the Indiana Sheriffs Association will develop the website for these counties. The added costs to develop these web sites can be paid for in part from the jail commissary fund, a grant from the Criminal Justice Institute (see *Explanation of State Expenditures*), and any other source subject to approval of the county fiscal body. Requiring sex offenders to register with the county sheriff (instead of all local law enforcement agencies) would reduce administrative burdens for municipal police departments. Since offenders are already required to register with county sheriffs under current law, this provision should have a limited effect on county sheriffs.

*Provision D:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120

court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

*Provision E: Residency Near Victim* - The sentencing court and its probation officers would likely monitor the released sex offenders who are assigned to probation. Over the past five years, the number of offenders who have been released from the Department of Correction facilities and assigned to probation has ranged between 226 and 274 each year. Depending on the sex crime and the community in which an offender is placed, a sex offender may spend between two and five years on probation.

The number of adult sex offenders who have been released and placed on probation or parole over the past five years are shown in the table below.

<b>Number of Adult Sex Offenders Released From Department of Correction Facilities and Assigned to Probation or Parole</b>					
	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
<b>Probation</b>	226	274	248	270	235
<b>Parole</b>	47	146	240	244	281
<b>Total</b>	<b>273</b>	<b>420</b>	<b>488</b>	<b>514</b>	<b>516</b>
Source: Indiana Department of Corrections.					
Note: No offenders who were released under Sexual Misconduct with a Minor (IC 3542-4-9) were convicted of an A or B Felony.					

This table includes persons who were sentenced for the following crimes: rape, criminal deviate conduct, child molestation, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, incest, and sexual misconduct with a minor.

*Provision F* provides that the victim's address is confidential. There is no fiscal impact in meeting this provision of the bill.

### **Explanation of Local Revenues:**

**State Agencies Affected:** Criminal Justice Institute.

**Local Agencies Affected:** Law enforcement agencies, trial courts, and probation offices.

**Information Sources:** Catherine O'Connor, Criminal Justice Institute, (317) 232-1295; Department of Corrections.